



REMARKS

Claims 1, 3-8, 10-15 and 17-22 are pending in the application. The Examiner has finally rejected all the claims. Claims 1 and 15 are independent claims.

By this amendment, the Applicant has amended claims 1 and 15 to recite that the toroidal shape have an outside diameter minus an inside diameter equal to or greater than a height when positioned in the bearing pad assembly. This amendment is supported in the specification by FIG. 2 and at page 6, lines 11-15. More specifically, a toriod is a "surface generated by a closed curve rotating about, but not intersecting or containing an axis in its own plane." Webster's II New College Dictionary. As shown in FIG. 2 the closed curve is a circle. As explained in the specification, other shapes "such as square" can be used. Based on geometry, a toriod inherently possess an outside diameter, an inside diameter and a height, therefore Applicant believes this amendment adds no new matter. The specification has been updated accordingly as well as FIG. 2 (a redline drawing is enclosed).

The Examiner has objected to claim 4 as being of improper dependent form for failing to further limit the subject matter of a previous claim. By the amendment of claim 1, Applicant believes claim 4 is now a proper dependent claim.

~~The Examiner has rejected claims 15 and 19-20 under 35 U.S.C. §102(b) as~~
being anticipated by Carlston. Carlston requires that the elastomeric spring be designed "so that the outside diameter minus the inside diameter is less than the solid height within the side bearing" so that the spring both folds and flexes. Col. 4, lines 15-22. The folding of the spring is accomplished by a preload on the springs. Col. 4, lines 23-36.

By amendment to claim 15, claim 15 now requires that the toroidal shape have an outside diameter minus an inside diameter equal to or greater than a height when positioned in the bearing pad assembly. This is generally opposite the requirement of Carlston. Therefore, claim 15 now contains a limitation not found in Carlston. Applicant now believes claim 15 is allowable.

As claims 19-20 depend from claim 15 and contain additional limitations thereto, Applicant believes claims 19-20 are also allowable.

The Examiner has rejected claims 1, 3-8, 10-14 and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Carlston in view of Magowan in view of Platkiewicz and further in view of Curtis and Spencer. As discussed above, Carlston does not disclose a toriod of the shape recited in claim 1 wherein an outside diameter minus an inside diameter is equal to or greater than a height when positioned in the bearing pad assembly. While Magowan discloses a toriod that meets this limitation, Applicant respectfully submits that Magowan cannot be combined with Carlston to obtain the invention recited in claim 1.

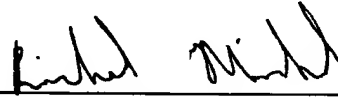
As stated above, Carlston requires a toriod wherein the outside diameter minus the inside diameter is less than the solid height within the side bearing. Magowan's toriod does not meet this limitation. Carlston equates this structure with a fold and flex of the spring during a work cycle that creates a force vs. travel curve wherein the force is relatively linear over most of the travel distance. FIG. 3 and Col. 3, lines 64-68. If Magowan's spring were put into Carlston's device, Carlston's device would not function as anticipated. There is no motivation to combine references where the proposed modification renders the prior art unsatisfactory for its intended purpose. MPEP §2143.01.

Platkiewicz, Spencer and Curtis are directed by the Examiner's admission to other elements of the invention, therefore, these references alone or in combination do not overcome the shortcomings of Carlston and Magowan. Therefore, all the references cited by the Examiner alone or in combination do not make the invention recited in claim 1 obvious.

As Applicant believes claim 1 is allowable and claims 3-8, 10-14 and 17-18 depend therefrom and have additional limitations, Applicant believes claims 3-8, 10-14 and 17-18 are allowable.

Applicant has enclosed a check in the amount of \$740.00 for the continued examination. Applicant believes no additional fees are due; however, if an additional fee is due please charge Deposit Account 13-0235. In the event, any matters should remain outstanding after the entry of this submission, Applicant requests that the Examiner contact Applicant's representative at the telephone number below.

Respectfully submitted,

By 
Richard R. Michaud
Attorney for Applicant
Registration No. 40,088

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, Connecticut 06103-3402
(860) 549-5290



Version to Show Changes

In the Specification:

Referring to FIG. 2, the toroidal rings 62 are made from a suitable material, such as, but not limited to polyurethane. While toroid shaped have been shown and described, the present invention is not limited in this regard as other shapes, such as square, can be employed without departing from the broader aspect of the present invention. However, the toroid shape must have an outside diameter OD minus an inside diameter ID equal to or greater than a height H when positioned in the bearing pad assembly

In the Claims:

Claim 1

1. (Five Times Amended) A bearing pad assembly comprising:
a first housing having an exterior surface and defining a bore extending at least part-way through said first housing;

a first load bearing member coupled to said first housing, and defining an outwardly facing first abutment surface;

a second housing defining a bore of a shape similar to said exterior surface of said first housing and adapted to slideably receive said first housing therein;

a second load bearing member coupled to said second housing and defining an outwardly facing second abutment surface opposite to said first abutment surface;

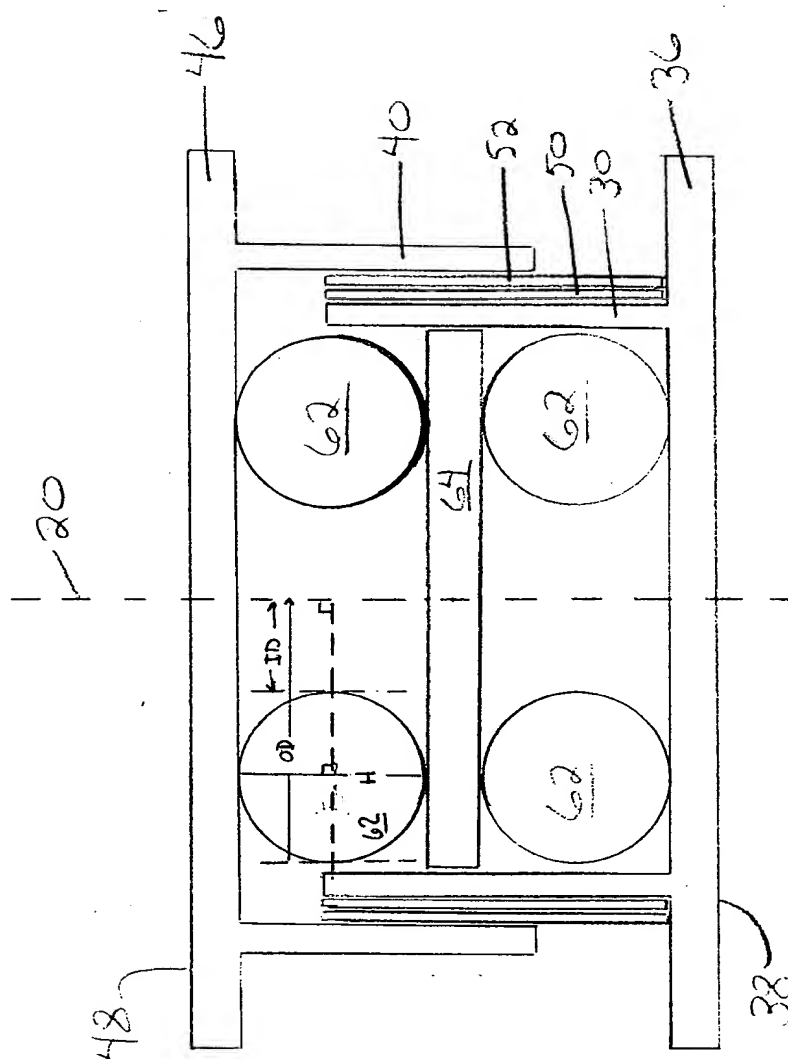
at least one slip lining positioned between said first housing exterior surface and a bore wall defining said second housing bore; and

at least one compression spring positioned within said first housing bore, wherein said compression spring comprises a solid resilient material having a [torus] toroidal shape, the toroid having an outside diameter minus an inside diameter equal to or greater than a height when positioned in the bearing pad assembly [for providing a force resisting compression generally at an increasing rate when progressively compressed, thereby providing a low initial resistance to

compression, but a high ultimate resistance to compression in urging said first and second load bearing members away from one another in response to a load being imposed upon at least one of said first and second abutment surfaces].

Claim 15

15. (Five Times Amended) A bearing pad assembly comprising:
a first housing having a bore extending through said first housing;
a first load bearing member coupled to said first housing and defining an abutment surface opposite to said first housing;
a second housing having a bore extending through said second housing, adapted to telescopically receive said first housing;
a second load bearing member coupled to said second housing and defining an abutment surface opposite to said second housing; and
at least one compression spring in the shape of a [torus] toroid positioned within said first housing bore, the toroid having an outside diameter minus an inside diameter equal to or greater than a height when positioned in the bearing pad assembly], for providing a force resisting compression generally at an increasing rate when progressively compressed, thereby providing a low initial resistance to compression, but a high ultimate resistance to compression in urging said first and second abutment surfaces away from each other in response to a load imposed on at least one of said abutment surfaces].



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